

Exhibit 5

PLAN OF ACTION (PoA) FOR HIGH FREEBOARD AT ANIMAL FACILITIES

Facility Number: 52 - 2

Facility Name: Banks Farm

County: Jones

Certified Operator Name: Donald Taylor Operator # 17314

1. Current liquid level(s) in inches as measured from the current liquid level in the lagoon to the lowest point on the top of the dam for lagoons without spillways; and from the current liquid level in the lagoon to the bottom of the spillway for lagoons with spillways.

	Structure 1	Structure 2	Structure 3	Structure 4	Structure 5	Structure 6
Lagoon Name/Identifier (ID):			<u>3</u>			
Spillway (Yes or No):			<u>N</u>			
Level (inches):			<u>18</u>			

2. Check all applicable items

☐ Liquid level is within the designed structural freeboard elevations of one or more structures. Five and 30 day Plans of Action are attached. Hydraulic and agronomic balances are within acceptable ranges.

☒ Liquid level is within the 25 year 24 hour storm elevations for one or more structures. A 30 day Plan of Action is attached. Agronomic balance is within acceptable range.

☐ Waste is to be pumped and hauled to off site locations. Volume and PAN content of waste to be pumped and hauled is reflected in section III tables. Included within this plan is a list of the proposed sites with related facility number(s), number acres and receiving crop information. **Contact and secure approval from the Division of Water Quality prior to transfer of waste to a site not covered in the facility's certified animal waste management plan.**

☐ Operation will be partially or fully depopulated.
- attach a complete schedule with corresponding animal units and dates for depopulation
- if animals are to be moved to another permitted facility, provide facility number, lagoon freeboard levels and herd population for the receiving facility

3. Earliest possible date to begin land application of waste: 9/27/11

I hereby certify that I have reviewed the information listed above and included within the attached Plan of Action, and to the best of my knowledge and ability, the information is accurate and correct.

Facility Owner/Manager (print)

Phone: _____

Donald E. Taylor

Facility Owner/Manager (signature)

Date: 9-27-11

**PLAN OF ACTION (PoA) FOR HIGH FREEBOARD AT ANIMAL FACILITIES
30 DAY DRAW DOWN PERIOD**

I. TOTAL PAN TO BE LAND APPLIED PER WASTE STRUCTURE

1. Structure Name/Identifier (ID): Donald Taylor 52-2
2. Current liquid volume in 25 yr./24 hr. storm storage & structural freeboard
- a. current liquid level according to marker 18.0 inches
 - b. designed 25 yr./24 hr. storm & structural freeboard 19.0 inches
 - c. line b - line a (inches in red zone) = 1.0 inches
 - d. top of dike surface area according to design
(area at below structural freeboard elevation) 132258 ft²
 - e. line c/12 x line d x 7.48 gallons/ft³ 82441 gallons
3. Projected volume of waste liquid produced during draw down period
- f. temporary storage period according to structural design 180 days
 - g. volume of waste produced according to structural design 313941.2 ft³
 - h. current herd # 2500 certified herd # 3140
 - actual waste produced = $\frac{\text{current herd \#} \times \text{line g}}{\text{certified herd \#}}$ = 249953 ft³
 - i. volume of wash water according to structural design 0 ft³
 - j. excess rainfall over evaporation according to design 23752 ft³
 - k. (lines h + i + j) x 7.48 x 30 days/line f = 341219 gallons
4. Total PAN to be land applied during draw down period
- l. current waste analysis dated 6/17/2011 1.80 lbs/1000 gal.
 - m. $((\text{lines e} + \text{k})/1000) \times \text{line l} =$ 762.6 lbs. PAN

REPEAT SECTION I FOR EACH WASTE STRUCTURE ON SITE.
(Click on the next Structure tab shown below)

II. TOTAL POUNDS OF PAN STORED WITHIN STRUCTURAL FREEBOARD AND/OR 25 YR./24 HR. STORM STORAGE ELEVATIONS IN ALL WASTE STRUCTURES FOR FACILITY

1. Structure ID: _____	3	line m = _____	762.6	lb PAN
2. Structure ID: _____		line m = _____		lb PAN
3. Structure ID: _____		line m = _____		lb PAN
4. Structure ID: _____		line m = _____		lb PAN
5. Structure ID: _____		line m = _____		lb PAN
6. Structure ID: _____		line m = _____		lb PAN

n. lines $1 + 2 + 3 + 4 + 5 + 6 =$

762.6 lb PAN

III. TOTAL PAN BALANCE REMAINING FOR AVAILABLE CROPS DURING 30 DAY DRAW DOWN PERIOD. DO NOT LIST FIELDS TO WHICH PAN CANNOT BE APPLIED DURING THIS 30 DAY PERIOD.

o. tract #	p. field #	q. crop	r. acres	s. remaining IDB (k. 2021)

[illegible]

¹State current crop ending application date or next crop application beginning date for available receiving crops during 30 day draw down period.

v. Total PAN available for all fields (sum of column t) =
Y'S PoA OVERALL PAN PAN-AM

1647.4 lb. PAN

IV. FACILITY'S PoA OVERALL PAN BALANCE

w. Total PAN to be land applied (line n from section II) =

762.6 lb. PAN

x. Crop's remaining PAN balance (line v from section III) =

y. Overall PAN balance () =

1647.4 lb. PAN

y. Overall PAN balance (w - x) =

-885 lb. PAN

PoA (30 Day) 2/21/00

Line y must show as a deficit. If line y does not show as a deficit, list course of action here including pump and haul, depopulation, herd reduction, etc. For pump & haul and herd reduction options, recalculate new PAN based on new information. If new fields are to be included as an option for lowering lagoon level, add these fields to the PAN balance table and recalculate the overall PAN balance. If animal waste is to be hauled to another permitted facility, provide information regarding the herd population and lagoon freeboard levels at the receiving facility.

NARRATIVE:

Irrigation onto existing spray fields will continue as weather and field conditions permit. Additional land is available for pumping if needed.